



STATE OF WISCONSIN

Assembly Journal

Ninety–Third Regular Session

TUESDAY, March 25, 1997

The Chief Clerk makes the following entries under the above date:

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 96–163

Relating to the definition of prison industry.
Submitted by Department of Corrections.
Report received from Agency, March 18, 1997.
To committee on **Criminal Justice and Corrections**.
Referred on March 25, 1997.

Assembly Clearinghouse Rule 96–191

Relating to prohibiting the sale of butane, propane, mixtures of butane and propane or other gaseous hydrocarbons for use as refrigerants in mobile air conditioners.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, March 17, 1997.

To committee on **Environment**.

Referred on March 25, 1997.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 42

Relating to: memorializing Congress to fully fund the federal share of state veterans homes construction projects.

By Representatives Zukowski, Musser, Ryba, Kelso, Kreibich, Handrick, Dobyms, Freese, Staskunas, Hoven, Gronemus, Lorge, Plouff, Ainsworth, Goetsch, Owens, Ladwig, Hasenohrl, Harsdorf, Boyle, Hahn, Walker, Brandemuehl, Gard, Gunderson and Sykora; cosponsored by Senators Fitzgerald, Breske, Welch, Clausing, Rosenzweig, Plache, Wirch, Panzer and Zien.

To committee on **Veterans and Military Affairs**.

Assembly Joint Resolution 43

Relating to: 4–year terms of office for district attorneys (2nd consideration).

By Representatives Foti, Kunicki, Lazich, Ainsworth, Bock, Boyle, Brandemuehl, Coggs, Dobyms, Duff, Goetsch,

Green, Gronemus, Grothman, Gunderson, Handrick, Hanson, Hasenohrl, Hoven, Huebsch, Hutchison, Jensen, Jeskewitz, Johnsrud, Kedzie, Kelso, Klusman, Kreibich, Krusick, Ladwig, F. Lasee, M. Lehman, Murat, Nass, Olsen, Ott, Otte, Ourada, Owens, Plale, Porter, Powers, Ryba, Schafer, Seratti, Springer, Staskunas, Sykora, Turner, Underheim, Vander Loop, Vrakas, Walker and L. Young; cosponsored by Senators Burke, Huelsman, Breske, Buettner, Clausing, Darling, Drzewiecki, Farrow, Fitzgerald, George, Grobschmidt, A. Lasee, Panzer, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden and Welch.

To committee on **Elections and Constitutional Law**.

Assembly Bill 208

Relating to: false reports of police misconduct and providing a penalty.

By Representatives Dobyms, M. Lehman, Ladwig, Musser, Porter, Goetsch, Vander Loop, Freese, Hasenohrl, Turner, Hahn, Seratti, Nass, Underheim, Ryba, Brandemuehl, F. Lasee, Klusman, Handrick, Kreibich, Ott, Walker, Plale, Green, Kaufert, J. Lehman, Vrakas, Travis and Gunderson; cosponsored by Senators Jauch, A. Lasee, Huelsman, Schultz, Welch, Rude, Plache, Breske, Drzewiecki, Wirch, Buettner and Rosenzweig.

To committee on **Criminal Justice and Corrections**.

Assembly Bill 209

Relating to: the deadline for filing claims for income tax refunds after audits.

By Representatives Wasserman, M. Lehman, Goetsch, Gronemus, Grothman, Hahn, Lorge, Plale, Reynolds and Staskunas; cosponsored by Senator Huelsman.

To committee on **Ways and Means**.

Assembly Bill 210

Relating to: senate approval of Indian gaming compacts.

By Representatives Handrick, Nass, R. Young, F. Lasee, Kreuser and Hahn; cosponsored by Senators Welch and Schultz.

To committee on **Government Operations**.

Assembly Bill 211

Relating to: legislative approval of Indian gaming compacts.

By Representatives Handrick, Nass, R. Young, Duff, Reynolds, Goetsch, Ryba, Grothman, Owens, Schafer, Hahn, Kreibich, Kreuser, F. Lasee and Lazich; cosponsored by Senators Welch and A. Lasee.

To committee on **Government Operations**.

Assembly Bill 212

Relating to: excluding from income taxation capital gains derived from the intergenerational transfer of certain farming or small business assets.

By Representatives Gronemus, Freese, Ott, Dobyms, Grothman, Gunderson, Hahn, Harsdorf, Hasenohrl, Hutchison, Kreibich, F. Lasee, Lorge, Musser, Olsen, Otte, Owens and Seratti; cosponsored by Senators Clausing, A. Lasee, Buettner and Zien.

To joint survey committee on **Tax Exemptions**.

Assembly Bill 213

Relating to: false representations by candidates concerning reelection to office.

By Representatives Gronemus, Albers, Ainsworth, Bock, Dobyms, Harsdorf, Hasenohrl, Kedzie, Kreibich, Ladwig, Olsen, Otte and Seratti; cosponsored by Senators Clausing and Buettner.

To committee on **Elections and Constitutional Law**.

Assembly Bill 214

Relating to: an exemption from the worker's compensation law for an employer of an employe who is member of a religious sect that opposes accepting the benefits of insurance and that provides assistance for its members who become dependent on the religious sect as a result of work-related injuries.

By Representatives Gronemus, Musser, Albers, Jensen and Otte.

To committee on **Labor and Employment**.

Assembly Bill 215

Relating to: nitrous oxide and providing a penalty.

By Representatives Underheim, Dobyms, Freese, Kelso, Hasenohrl, Kreibich, Ward, Rutkowski, Hahn, Seratti, Owens, Gard, Albers, Lazich and Ott; cosponsored by Senators Buettner, Welch and Huelsman.

To committee on **Criminal Justice and Corrections**.

Assembly Bill 216

Relating to: the playing of bingo by persons under the age of 18.

By Representatives Owens, Kreibich, Goetsch, Gronemus, Grothman, Handrick, Lazich, Musser, Plale, Ryba and Skindrud; cosponsored by Senator Buettner.

To committee on **State Affairs**.

Assembly Bill 217

Relating to: classifying certain employes of the department of natural resources who exercise police powers as protective occupation participants for the purposes of the Wisconsin retirement system.

By Representatives Brandemuehl, Freese, Musser, Dobyms, Hahn, Hasenohrl, Kreibich and Gronemus; cosponsored by Senator Buettner.

To joint survey committee on **Retirement Systems**.

Assembly Bill 218

Relating to: reimbursement for costs incurred because of discharges from certain petroleum product storage tanks.

By Representatives Brandemuehl, Gronemus, Olsen, Ainsworth, M. Lehman, Goetsch, Freese, Hasenohrl, Hutchison, Musser, Albers, Ward, Kreibich, Grothman and Lorge; cosponsored by Senators Schultz, Farrow, Plache and Zien.

To committee on **Natural Resources**.

Assembly Bill 219

Relating to: changing the term "assisted living facility" to "residential care apartments" and defining the term "stove" for the purposes of residential care apartments.

By Representatives Underheim, Kelso, Ladwig, Musser, Olsen, Lorge, Owens, Hahn, Handrick, Springer, Grothman, Kaufert, Gunderson, F. Lasee, Harsdorf, Hanson and Wasserman; cosponsored by Senators Moen, Buettner, Breske, Schultz and Moore.

To committee on **Health**.

Assembly Bill 220

Relating to: prohibiting performance of certain partial-birth abortions and providing a penalty.

By Representatives Goetsch, Wood, Ladwig, Seratti, Freese, Ryba, Green, Walker, Lorge, Lazich, Otte, Ziegelbauer, Duff, Huebsch, Hutchison, Staskunas, Handrick, Dobyms, Ainsworth, Owens, Hoven, Zukowski, Harsdorf, Urban, Nass, F. Lasee, Powers, Ward, Kreibich, Jeskewitz, Schafer, Ott, Gunderson, Vrakas, Sykora, Gard, Hahn, Kelso, Brandemuehl, Vander Loop, Porter, Olsen and Plale; cosponsored by Senators Fitzgerald, Grobschmidt, Zien, Huelsman, Buettner, Darling, Welch, A. Lasee, Cowles, Farrow, Schultz and Weeden.

To committee on **Criminal Justice and Corrections**.

Assembly Bill 221

Relating to: causing harm or death to an unborn child and providing penalties.

By Representatives Freese, Walker, Green, Ryba, Schafer, Wood, Sykora, Staskunas, Handrick, Baumgart, Plale, Otte, Duff, Vander Loop, Hahn, Porter, Lorge, Ourada, Underheim, Dobyms, Huebsch, Kreibich, Musser, Ladwig, Urban, Kelso, Seratti, Nass, Owens, Ainsworth, F. Lasee, Ward, Ott, Lazich, Powers and Gunderson; cosponsored by Senators Welch, Grobschmidt, Drzewiecki, C. Potter, Buettner, A. Lasee, Schultz, Weeden and Farrow, by request of Tracy Scheide (formerly Tracy Black), her family, and the family of Jeanette Chase.

To committee on **Criminal Justice and Corrections**.

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Workforce Development
Madison

February 20, 1997

To the Honorable, the Assembly:

Pursuant to Chapter 109 of Wisconsin Statutes I hereby submit the department's 1996 annual report on business closings and/or mass layoffs to you. This report lists all businesses which notified the department in 1996 of planned

closings/mass layoffs and complaints the department received of alleged notification violations. The report indicates the businesses involved, location, date complaint received, determination issued and disposition of each case. Beyond complaints filed in 1996, the list updates the disposition of cases pending at the end of 1995 and also lists cases filed early in 1997.

One case filed with the department in 1994 remained open through 1996. That case in Con-Agra, Inc. formerly doing business as Northern States Beef in Edgar, Wisconsin. The department had completed its investigation of this matter in 1994 and referred the matter to the Department of Justice for litigation. On November 1, 1996 the circuit court in Marathon County issued its final ruling in this case awarding approximately 346 employees a total penalty wage (plus interest) of \$985,000.00 and also ordered the employer to pay the state a \$30,000.00 surcharge. These payments have been received by the department and nearly all of the penalty wages have been distributed to the appropriate parties at this time.

Five 1995 complaints remained under investigation at the beginning of 1996. In four of these cases, the department concluded the employer had not violated Wisconsin's notification requirements. In the fifth case, the department determined the business violated the law and referred the matter to the Department of Justice for litigation to collect the penalty wages found due.

The department received twenty-one plant closing complaints in 1996. The department determined eleven of these complaints did not involve violations and two involved violations of the law. The remaining eight complaints remain under investigation at this time.

Should you have any questions regarding the information in this report, please contact me immediately.

Sincerely,
LINDA STEWART
Secretary, DWFD

Referred to committee on **Labor and Employment.**

State of Wisconsin
Department of Revenue
Madison

February 25, 1997

To the Honorable, the Legislature:

Included with this correspondence, I am submitting the quarterly reports of the Wisconsin Lottery for the quarters ending September 30, 1996 and December 31, 1996. As required by s.565.37(3), Wis. Stats., the attached materials contain Wisconsin Lottery year to date sales and financial information.

If you have any questions or comments regarding this report, please do not hesitate to contact me at (608)266-6466.

Sincerely,
CATE ZEUSKE
Secretary, DOR

Referred to committee on **State Affairs.**

State of Wisconsin
Department of Public Instruction
Madison

March 1, 1997

To the Honorable, the Assembly:

Wisconsin School Laws included the following provision in Section **115.45(6)(b) & (c)**:

SECTION 115.45 Grants for preschool to grade 5 programs.

(6) The state superintendent shall:

(b) By March 1, 1986, and annually thereafter, submit to the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. **13.172(3)**, a budget report detailing the grants he or she intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4)(b) and include a description of the guidelines used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

(c) Annually submit to the legislature under s. **13.172(2)** a report on the academic progress made by pupils enrolled in preschool to grade 5 programs under this section.

This is to inform you that all Preschool to grade 5 Evaluation Reports are contained herein. A report on the academic progress for all schools funded by the Preschool to Grade 5 Program Grant is also enclosed.

Sincerely,
JOHN T. BENSON
State Superintendent, DPI

Referred to committee on **Education.**

State of Wisconsin
Department of Workforce Development
Division of Workforce Excellence
Madison

March 14, 1997

To the Honorable, the Assembly:

In accordance with Public Law 97-300, Part A, Section 104 (b)(13) the Job Training Partnership Act (JTPA), the Annual Reports of Wisconsin's JTPA Service Delivery Areas have

been submitted. They are hereby transmitted to you for your review.

If you have any questions concerning these reports or need additional information, please feel free to contact me or my staff.

Sincerely,
JUNE SUHLING
Division Administrator

Referred to committee on **Labor and Employment**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

March 18, 1997

To the Honorable, the Legislature:

We have completed an evaluation of the Department of Transportation's management of the highway program as part of our ongoing audit of the Department. Our limited review of other functions in the Department suggests that the highway program presents the best opportunity for improved efficiency. In fiscal year (FY) 1996-97, the Department will spend \$1.58 billion, including \$867.9 million, or 54.9 percent of the total, on state and local highways. Cost-effective management of these funds is important, especially when demands for increased transportation funding exceed available revenues.

The cost of design and construction engineering has increased 35.8 percent above inflation since FY 1987-88, but only part

of this increase can be explained by salary adjustments and increased workload. While the Department has developed some measures of performance, decreased the ratio of managers to staff, and reorganized to place greater emphasis on a balanced transportation program, cost increases have not been analyzed to provide managers with information on how efficiency can be improved. More detailed cost analysis, holding design engineers accountable for design quality, systematic evaluation of engineering and construction contractor performance, and development of more useful performance measures are needed to limit project cost overruns and improve program management.

Routine maintenance of state highways, which is performed by counties under contracts with the Department, appears adequate. However, county concerns about the 9.3 percent decline in maintenance funding over the past ten years call into question whether the current funding level will continue to be sufficient.

If management improvements are made, some millions of dollars may be saved. However, because more than 64 percent of expenditures for the highway program will pay for construction costs, achieving substantial savings will require slowing the pace of major improvements, limiting the scope of rehabilitation projects, or modifying construction standards to emphasize cost reductions.

We appreciate the courtesy and cooperation extended to us by Department of Transportation staff and county highway commissioners. A response from the Secretary of Transportation is Appendix II.

Respectfully submitted,
DALE CATTANACH
State Auditor